

REMARKS

The above Amendment and these Remarks are in response to the Office Action mailed April 28, 2009. Claims 1-64 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-64. This response amends claims 1, 23, 26, and 44; cancels claims 11, 15-22, 33, 37-43, 54, 58-66; and adds new claims 67-69, leaving for Examiner's consideration claims 1-10, 12-14, 23-32, 34-36, 44-53, 55-57, and 67-69. Reconsideration of the rejections is respectfully requested.

I. Specification

The title of the invention was objected because the trademark or trade name JAVA should be capitalized or accompanied with the appropriate designation symbol. The title has been corrected to comply with the requirement by the Examiner.

II. Claim Objection

Claims 40 and 58 were objected to because of informalities. Applicant respectfully submits that Claims 40 and 58 have been canceled.

III. Claim Rejection – 35 U.S.C. § 112

Claims 15-17 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 15-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully submits that Claims 15-17 have been canceled. Reconsideration of the rejections is respectfully requested.

Claims 26, 40, 64 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully submits that Claims 40 and 64 have

been canceled. In addition, Claim 26 has been amended to satisfy the statutory requirement under 35 U.S.C. 112. Reconsideration of the rejections is respectfully requested.

IV. Claim Rejection – 35 U.S.C. § 101

Claims 1-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant respectfully submits that Claim 1 has been amended to satisfy the statutory requirement under 35 U.S.C. 101.

V. Claim Rejection – 35 U.S.C. § 103

Claim 2, 24, and 45 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hershberg in view of US 6,754,884 (Hereinafter “Lucas”).

Applicant respectfully submits that Lucas and the claimed invention were both owned by BEA System at the time of the claimed invention was made. In addition, since Lucas was not published and was patented on June 22, 2004 which is later than the filing date of the present application (January 22, 2004), Lucas can only be qualified as prior art under 35 USC 102(e). Therefore, according to 35 USC 103(c), Lucas can not preclude patentability of the claimed invention. Applicant respectfully requests that the 35 U.S.C. § 103(a) rejection to all claims be withdrawn.

VI. Claim Rejection – 35 U.S.C. § 102

Claims 1, 3-23, 25-44, 46-64 were rejected under 35 U.S.C. 102(e) as being anticipated by Hershberg, *et al.* USPN 7,155,705.

Claim 1

Claim 1 has been amended to define a feature of “*wherein the object-oriented programming language type executes one or more XML data operations provided by the XML type system, on the XML data, to generate one or more result sets in the object-oriented*”

programming language type system, wherein each of the one or more XML data operations is one of an XML data query operation; an XML data transformation operation; and an XML data iteration operation.”

Hershberg (Column 14, Lines 61-65) discloses demarshaling of a data object of an object-oriented programming language class from one or more items in an exchange format.

Applicant respectfully submits that Hershberg does not teach, or render obvious, the feature of using one or more XML data operations provided by the XML type system, on the XML data, to generate one or more result sets in the object-oriented programming language type system, as embodied in Claim 1.

In view of the above comments, Applicant respectfully submits that Claim 1, as amended, is neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

Claims 23 and 44

Claims 23 and 44, while independently patentable, recite limitations that similarly to Claim 1 are not disclosed nor rendered obvious by the cited references. Reconsideration thereof is respectfully requested.

Claims 2-10, 12-14, 24-32, 34-36, 45-53, and 55-57

Claims 2-10, 12-14, 24-32, 34-36, 45-53, and 55-57 are not addressed separately, but it is respectfully submitted that these claims are allowable as depending from an allowable independent claim, and further in view of the comments provided above.

It is also submitted that these claims also add their own limitations which render them patentable in their own right. Applicant respectfully reserves the right to argue these limitations should it become necessary in the future.

Claim 67

Claim 67 has been added to define a feature of “*automatically generating the object-oriented programming language type for an object-oriented programming language component as an inner class to an XML control interface for the object-oriented programming language component.*”

Applicant respectfully submits that Hershberg does not teach, or render obvious, this feature.

In view of the above comments, Applicant respectfully submits that Claim 67 is neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

Claim 68

Claim 68 has been added to define a feature of “*sharing an object-oriented programming language type among multiple object-oriented programming language components, by explicitly referring the object-oriented programming language type when an object-oriented programming language component is defined.*”

Applicant respectfully submits that Hershberg does not teach, or render obvious, this feature.

In view of the above comments, Applicant respectfully submits that Claim 68 is neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

Claim 69

Claim 69 has been added to define a feature of “*the object-oriented programming language type is both validated by one or more schema in XML type system and checked under the object-oriented programming language type system.*”

Applicant respectfully submits that Hershberg does not teach, or render obvious, this feature.

In view of the above comments, Applicant respectfully submits that Claim 69 is neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

VII. Conclusion

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting the issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: July 27, 2009

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